

CITY OF DANBURY

155 DEER HILL AVENUE DANBURY, CONNECTICUT 06810

PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES JANUARY 18, 2012

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:32 PM.

Present were Helen Hoffstaetter, Kenneth Keller, Edward Manuel (arrived at 7:42 PM) Joel Urice, Arnold Finaldi Jr. and Alternate Fil Cerminara. Also present was Associate Planner Jennifer Emminger.

Mr. Keller made a motion to accept the July 20, 2011, August 3, 2011, August 17, 2011 & September 7, 2011 minutes. Mr. Urice seconded the motion and it was passed unanimously.

Chairman Finaldi said since there were no new public hearings scheduled for this evening, they would go right to the Continuation.

CONTINUATION OF PUBLIC HEARING

Richard S. Jowdy -- Application for two (2) lot re-subdivision (2.03 ac.) in the RA-40 Zone - Middle River Rd. & 1 Richter Dr. (#C10042 & #C10051) - SUB #11-02.

Mike Mazzucco PE said this had been tabled because they were waiting for a revised survey map from Paul Fagan. He said that Henry Moeller had made the determination that there is no wetlands on the property or within 100 ft. He said they do not meet the definition of environmentally sensitive so they can go ahead with the proposal as designed. He said he add a note to the plan stating that these lots are located within the public water supply watershed. He said he had submitted a 14 day extension letter today to allow for the responses to come back. Mrs. Emminger said she sent the revisions out yesterday and has received one response back so far. There were no questions for Mr. Mazzucco.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Chairman Finaldi noted that Mr. Manuel arrived during the public hearing (at 7:42 PM).

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

DRS Technologies Inc. -- Application for Special Exception to allow use (DRS Consolidated Controls Facility Expansion) generating over five hundred (500) vehicle trips per day in the IL-40 Zone - 19-21 South St. (#K15080 & #K15081) - SE #719.

Chairman Finaldi said Mrs. Emminger had sent them a draft resolution. He asked for comments or discussion. Mr. Urice made a motion to approve this application per the resolution as presented. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Mrs. Emminger said their engineer was able to pull the sidewalk back onto their property so it will not be necessary to obtain easements from the State. She said Construction Services has no problems with this. Mr. Keller asked if the sidewalk is running along the entire front of the property. Mrs. Emminger said yes it does, it took some compromise but in the end they were able to get it in there.

Four Star Realty LLC -- Application for Special Exceptions (1) to allow uses generating over five hundred (500) vehicle trips per day at 108 Newtown Rd. & 5 Mountainview Terr. (#M10028 & #M10029), (2) to allow Convenience Store in acc. w/ Sec 5.A.2.b.(8) on 5 Mountainview Terr. (#M10028), and (3) to allow Service Station in acc. w/Secs. 3.E.9. & 5.A.2.b.(2) on 108 Newtown Rd. (#M10029), located in the CG-20 Zone - SE #720.

Chairman Finaldi said they also received a draft resolution from Mrs. Emminger on this application. Both Mr. Keller and Mr. Manuel excused themselves as they are not eligible to vote on this.

Mrs. Emminger said she needs to make some minor revisions. The first is the date with the revision date of today. And on page 4 they need to fill in the date of the final Engineering Dept. report – well it is not quite final but close to final received today. She said also she deleted the comment that says they must comply with the City Traffic Engineer's report. The reason for this is because the City Traffic Engineer agreed with the levels of service (LOS) they proposed and the rest of the comment went against what the Commission wanted.

Mr. Keller said he wanted it on the record that he still is concerned about the addition of another gas station to this already overtaxed roadway. Chairman Finaldi and Mr. Urice both said this site previously was a gas station and has since been approved for use as a fast food restaurant by this Commission. Ms. Hoffstaetter asked Mrs. Emminger since she removed the reference to Mr. Mohamed's comments, are they documented anywhere. Mrs. Emminger said the comments are still part of the record; they just are not being used as a condition of approval. She then said because that comment was removed, all of the subsequent numbers must change. She said also included is the condition that the Lot Line Revision must be filed on the Land Records before the Grant of Special Exception will be issued. The reasoning behind this is that without the Lot Line Revision, the lots don't meet the requirements of the zone.

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Mr. Urice made a motion to approve this application per the revision as revised. Ms. Hoffstaetter seconded the motion and it was passed with ayes from Mr. Cerminara, Mr. Urice, Ms. Hoffstaetter and Chairman Finaldi.

NEW BUSINESS

Winter Brothers Transfer Stations of CT (WBTSCT) -- Application for Special Exception for Transfer Station in existence prior to 10/15/07 in the IL-40 Zone - 307 White St. (#K13016) -SE #721. *Public hearing scheduled for February 1, 2012.*

Mr. Urice asked what this is about. Mrs. Emminger said that since the Zoning Regulations were changed, any transfer station existing before that date is now a special exception use. So even though the site was previously approved by a site plan review, any changes being proposed now are subject to the special exception process. Mrs. Emminger said this is mostly about cleaning up the site. They want to take down existing buildings #5 & #6 and replace them with a better building. The new building will be built farther down from where the others were. They are planning to construct another rail spur so they can use the rail service instead of trucks. She added that they are not increasing their tonnage.

Nutmeg Square LLC -- Application for Special Exceptions (1) for fast food restaurants, and (2) to allow uses generating over five hundred (500) vehicle trips per day in the CG-20 Zone - 70-72 Newtown Rd. (#L12026) - SE #697. *Public hearing scheduled for February 15, 2012.*

Mr. Keller asked which fast food restaurants they are proposing. Mrs. Emminger said a "Little Caesar's" and a Frozen Yogurt place.

Chairman Finaldi said both of these will be on file in the Planning & Zoning Office.

Mr. Keller asked whatever became of the sports facility the Commission approved on Shelter Rock Rd. Mrs. Emminger said they are in for revisions to the approved plan, but it is an administrative review. The changes are not enough for it to have to come back to the Commission. She added that they just pulled their grading permit and they still need their Floodplain Permit to be issued.

There was nothing under Referrals, Other Matters or Correspondence. Under For Reference Only were listed three applications for Floodplain Permits.

At 7:59 PM, Mr. Urice made a motion to adjourn. The motion was seconded by Ms. Hoffstaetter and passed unanimously.